



A prisoner may not bring a civil action *in forma pauperis* in federal court if, while incarcerated, three or more of his civil actions or appeals were dismissed as frivolous or malicious or for failure to state a claim upon which relief may be granted, unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Before filing this action, Scott had at least three suits dismissed as frivolous. *Scott v. Clark*, 1:99-0216-C (N.D. Tex.) (dismissed as frivolous on November 17, 2000); *Scott v. Morgan*, 1:98-0151 (N.D. Tex.) (dismissed as frivolous on May 25, 2000); and *Scott v. Hunter*, 1:99-0003-C (N.D. Tex.) (dismissed as frivolous on January 11, 2000). In the present case, Scott has not alleged, nor does his complaint demonstrate, that he is in imminent danger of serious physical injury. Scott is barred under 28 U.S.C. § 1915(g) from proceeding *in forma pauperis* in this action.

Alternatively, Scott's claims are frivolous. A district court may summarily dismiss a complaint filed *in forma pauperis* if the action "is frivolous or malicious." 28 U.S.C. § 1915(e)(2)(B)(I). An action is frivolous if it lacks an arguable basis in either law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Henson-El v. Rogers*, 923 F.2d 51, 53 (5th Cir.), *cert. denied*, 501 U.S. 1235 (1991). A claim is factually frivolous when "the facts alleged are 'fantastic or delusional scenarios' or the legal theory upon which a complaint relies is 'indisputably meritless.'" *Harris v. Hegmann*, 198 F.3d 153, 156 (5th Cir. 1999); *see also Denton v. Hernandez*, 504 U.S. 25, 32 (1992). Scott does not present a logical set of facts to support any claim for relief. Instead, his complaint presents fantastic and delusional allegations, warranting dismissal. Construing Scott's allegations liberally, the court finds that there is no theory on which he may proceed. The complaint is dismissed as frivolous and for failure to state a claim. 28 U.S.C. § 1915(e)(2)(B)(I), (ii).

On reconsideration, Scott's motion to proceed as a pauper, (Docket Entry No. 2), is denied. Scott's complaint is dismissed under 28 U.S.C. § 1915(g). Pending motions are denied. Scott is warned that continued frivolous filings may result in the imposition of sanctions.

The Clerk will provide a copy of this order by regular mail, facsimile transmission, or e-mail to:

(1) the TDCJ – Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159;

(2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793; and

(3) the District Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-Strikes List.

SIGNED on December 6, 2013, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', is written over a horizontal line.

Lee H. Rosenthal  
United States District Judge